IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

CRP.No. 1174 of 2002()

CR.P.1150/2000 of TALUK LAND BOARD, ERNAD

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REVN. PETITIONER: CLAIMANTS 7, 6, 9, 10 & 3

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1. P.T.JOY, PANAKKAL HOUSE,
   P.O.VALILLAPUZHA, AREAKOSE, MALAPPURAM DSITRICT.

2. P.T.JOHNY, DO.DO.

3. P.T.JAMES(WRONGLY SHOWN IN ORDERS AS
   P.T.JANNU), DO.DO.

4. P.T.TOMY, DO.DO.

5. P.T.KATHREENA, DO.DO.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

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1. TALUK LAND BOARD, ERNAD,
   MANJERI, MALAPPURAM DISTRICT.

2. THE TAHSILDAR, ERNAD,
   MALAPPURAM DISTRICT.

3. STATE OF KERALA, REP. BY THE
   CHIEF SECRETARY, GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. R.BINDU

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P. NO: 2988/2002 IN C.R.P. NO: 1174/2002

DISMISSED:

3/7/2007 SD/- M.N.KRISHNAN, JUDGE

jj /TRUE COPY/

P.A. TO JUDGE

M.N.KRISHNAN, J.

C.R.P.NO: 1174 OF 2002 E

Dated this the 3rd July, 2007.

O R D E R

This revision petition is preferred against the order of the Taluk Land Board dated 6.10.2001. This ceiling case has been shuttling between the Taluk Land Board and this Court for the last 34 years. The declarant, an unmarried lady as on 1.1.1970 was directed to surrender land which she held in excess of the ceiling area under Section 82 of the Kerala Land Reforms Act. On the last round of remand the principle contention raised was with respect to the actual extent of the land held and possessed by the declarant in survey No: 186/1B2A. The Taluk Land Board originally had fixed the area at 5 acres, a commissioner appointed by the civil court measured the property and found it as 3.11 acres. Thereafter, as per the direction of this Court the village officials, with the assistance of the taluk surveyor measured the property and found that the extent was 3.36 acres. So, in the said survey number instead of 5 acres the declarant possesses only 3.36 acres. The land board while passing the final order deleted 1.64 acres from computing the ceiling area of the declarant. Therefore, what is actually seen on land by the authorities had been taken into consideration for fixing the ceiling

limit. In the grounds of revision a contention is raised that the Taluk Land Board ought to have measured the entire extent of the property covered in the ceiling case. It is not necessary. Whenever there is a dispute that alone need be looked into and if there is a mistake it is for the declarant to point out and it is not the duty of the Taluk Land Board. Therefore the said contention is liable to be rejected. The other contention taken by the declarant is to the effect that since the present persons are only the legal representatives of the declarant they are not bound to surrender the land. The ceiling area is reckoned according to the status of the person as on 1.1.1970 and therefore the Taluk Land Board is perfectly justified in computing the ceiling area and directing the legal representatives to surrender the property. After consideration of all the entire materials the land board refixed the total extent of the land as 15.06 acres and permitted the declarant to hold 6 acres of land and then deleted 3.79 acres as exempted under Section 81 of the Kerala Land Reforms Act and directed the balance extent of 5.21 acres to be surrendered. There is absolutely no illegality or irregularity in the order passed by the Land

Board and therefore the revision lacks merits and it is dismissed.

M.N.KRISHNAN
Judge

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